

49. A method of obtaining a DNA-based or vaccinia-based influenza vaccine, comprising:

providing the nucleic acid construct of claim 42;

introducing the nucleic acid construct into a host cell; and

culturing the host cell under conditions that allow replication of the nucleic acid construct, thereby obtaining a DNA-based or vaccinia-based influenza vaccine comprising the nucleic acid construct.

50. A DNA-based influenza vaccine comprising the nucleic acid construct of claim 42.

51. A vaccinia-based influenza vaccine comprising the nucleic acid construct of claim 42.--

#### REMARKS

Applicants have replaced original claims 1-25 with new claims 26-51 to further define the scope of the invention and to promote clarity. As a result, claims 26-51 are pending. Support for new claims 26-51 appear in the specification and original claims 1-25.

To promote clarity and to comply with the sequence listing requirements, applicants have also amended the specification. A Sequence Listing is filed herewith.

The pending claims are substantially similar to amended claims 1-25 of PCT/EP98/05106 (WO 99/07839), the priority application of the instant application. Those amended claims were found novel and inventive by the International Preliminary Examining Authority. See the International Preliminary Examination Report submitted with the Information Disclosure Statement, which is filed concurrently herewith.

Applicants respectfully request favorable consideration of the application  
and early allowance of the pending claims.

Respectfully submitted,



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